

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:

K. Miyazawa, et al.

)

Examiner: **R. Loewe**

)

Serial No.: **10/534,399**

)

Group Art Unit: **1712**

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Filed: **May 10, 2005**

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Docket: **TOS-162-USA-PCT**

For: Polysiloxane Having Phosphorylcholine Group And Process For Producing The Same

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT
APPEAL BRIEF**

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Notification of Non-Compliant Appeal Brief mailed October 14, 2008, the undersigned kindly responds as follows:

With regards to the statement of the status of all claims, it is respectfully submitted that the Brief on Appeal as originally filed contained a section on page 5 entitled "Status Of The Claims". This "Status Of The Claims" section contained an identification of the status of each of the claims in the application, as well as an identification of which claims are being appealed (i.e., claims 2, 4 and 5). This is believed to fully comply with 37 C.F.R. 41.37(c)(1)(iii). However, in order to fully comply with the instant Notification, the undersigned has attached hereto a copy of said section.

With respect to the objection to the Summary Of The Claimed Subject Matter section, the undersigned has revised same so as to fully comply with 37 C.F.R. 41.37(c)(1)(v), a copy of same attached hereto. It is believed that this section is now in compliance with the rule mentioned above. Withdrawal of the objection is accordingly respectfully requested.

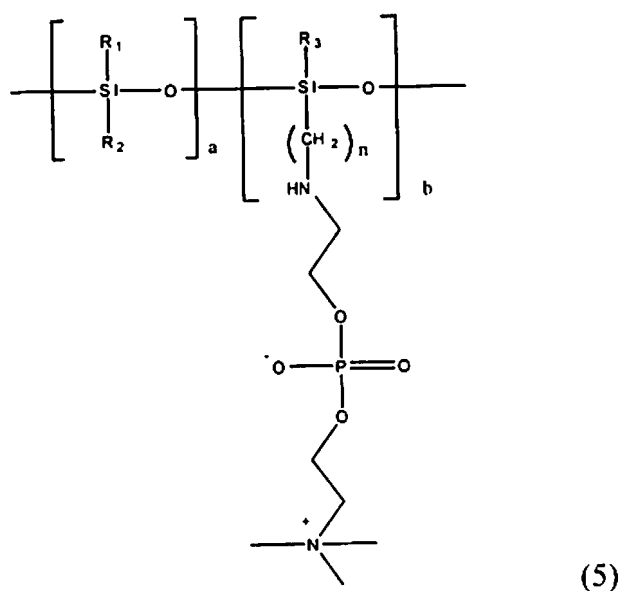
3. STATUS OF THE CLAIMS

1. Cancelled
2. Rejected
3. Cancelled
4. Rejected
5. Rejected

The claims on appeal are claims 2, 4, and 5.

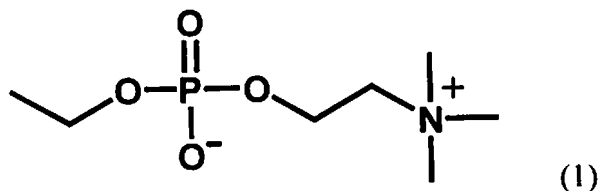
5. SUMMARY OF THE CLAIMED SUBJECT MATTER

Appealed independent claims 2 provides a polysiloxane having repeating units a and b represented by the following formula (5):



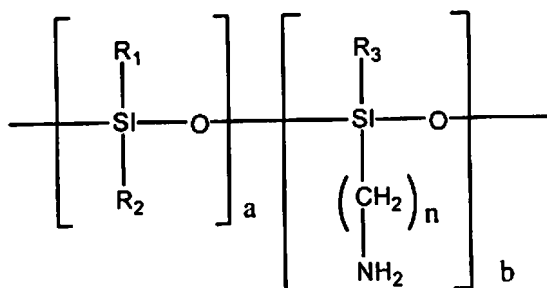
wherein R_1 , R_2 , and R_3 , independently of each other, denote an alkyl group or perfluoroalkyl group having 1-22 carbon atoms, an alkoxysilyl group having 1-6 carbon atoms via an alkylene group having 1-6 carbon atoms, a phenyl group, or hydroxyl group, n denotes an integer 1-22; and a and b denote constituent units of the polysiloxane,

wherein said polysiloxane is obtained by introducing a phosphorylcholine group represented by the following formula (1):



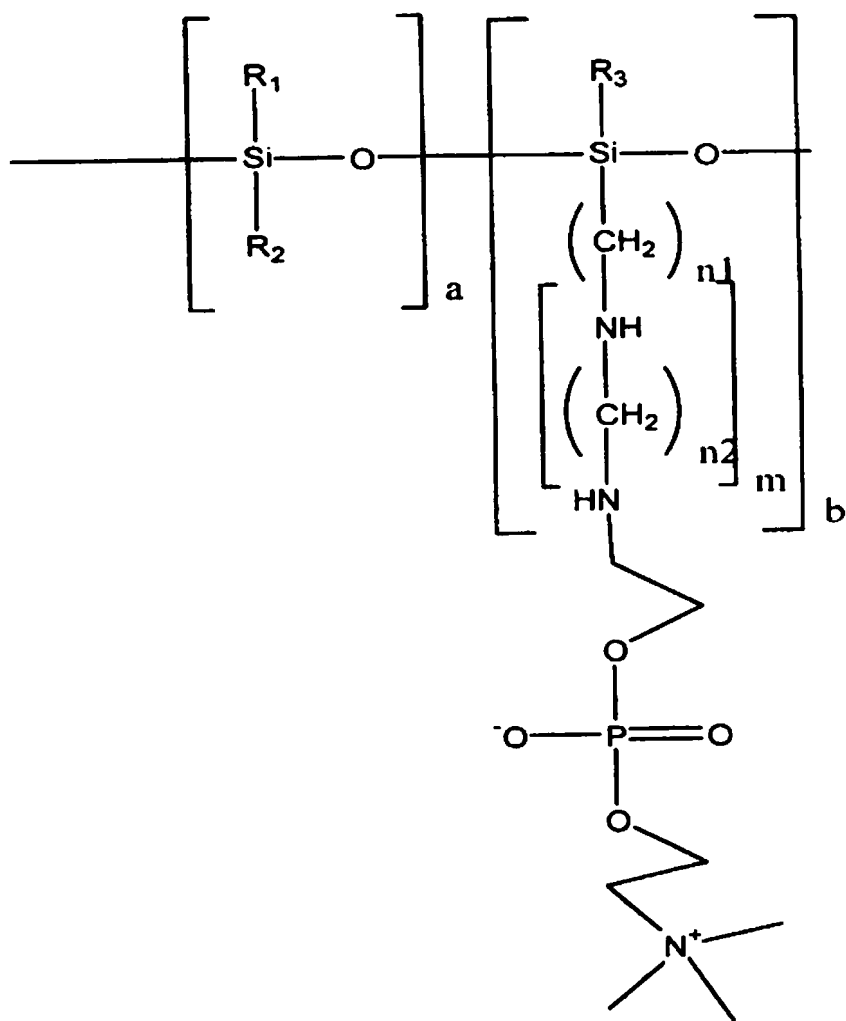
to some or all of the amino groups of the amino-modified polysiloxane having repeating units a and b represented by the following formula (2):

(2)



wherein R_1 , R_2 , and R_3 , independently of each other, denote an alkyl group or perfluoroalkyl group having 1-22 carbon atoms, an alkoxysilyl group having 1-6 carbon atoms via an alkylene group having 1-6 carbon atoms, a phenyl group, or hydroxyl group, n denotes an integer 1-22, and a and b denote constituent units of the polysiloxane. Support for the subject matter of appealed independent claim 2 can be found in the Specification on page 4, lines 11-24; page 5, formula (2) at top of page; page 6, formula (5) at top of page; page 7, lines 3-10; and page 13, lines 8-15.

Appealed independent claim 4 provides a polysiloxane having repeating units a and b represented by the following formula (6):

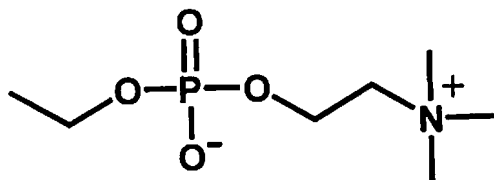


(6)

wherein R_1 , R_2 and R_3 , independently of each other, denote an alkyl group or perfluoroalkyl group having 1-22 carbon atoms, an alkoxyethyl group having 1-6 carbon atoms

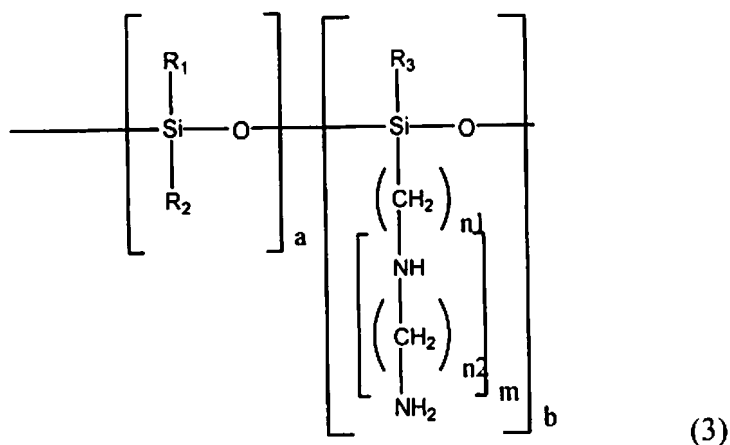
TOS-162-USA-PCT
via an alkylene group having 1-6 carbon atoms, a phenyl group, or hydroxyl group; n_1 and n_2 ,
independently of each other, denote an integer 1-22; m denotes an integer 0-10; and a and b
denote constituent units of the polysiloxane, and

wherein said polysiloxane is obtained by introducing the phosphorylcholine group
represented by the following formula (1):



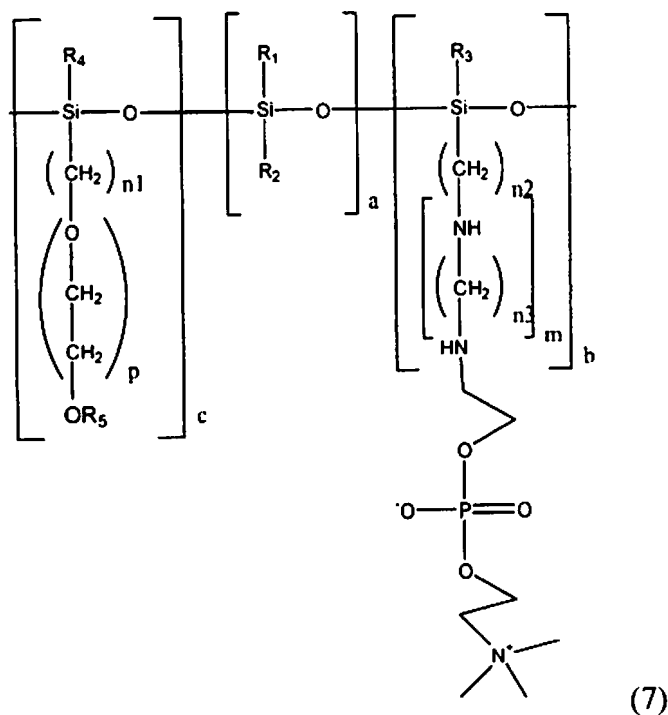
(1)

to some or all of the amino groups of the amino-modified polysiloxane having repeating units a
and b represented by the following formula 3:



wherein R_1 , R_2 , and R_3 , independently of each other, denote an alkyl group or perfluoroalkyl group having 1-22 carbon atoms, an alkoxysilyl group having 1-6 carbon atoms via an alkylene group having 1-6 carbon atoms, a phenyl group, or hydroxyl group; n_1 and n_2 , independently to each other, denote an integer 1-22, m denotes an integer 0-10; and a and b denote constituent units of the polysiloxane. Support for the subject matter of appealed independent claim 4 can be found in the Specification on page 4, lines 11-24; page 6, formula (6) at bottom of page; page 7, formula (7) at top of page, and lines 3-12; and page 13, lines 8-15.

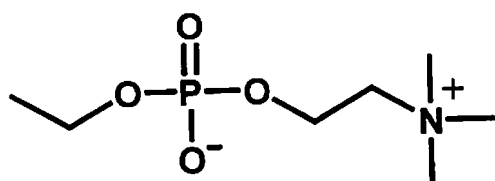
Appealed independent claim 5 provides a polysiloxane having repeating units a, b and c represented by the following formula (7):



wherein R₁, R₂, R₃, and R₄ independently of each other, denote an alkyl group or perfluoroalkyl group having 1-22 carbon atoms, an alkoxysilyl group having 1-6 carbon atoms via an alkylene group having 1-6 carbon atoms, a phenyl group, or hydroxyl group; R₅ denotes a hydrogen atom or an alkyl group having 1-22 carbon atoms; n denotes an integer 1-22; n₁, n₂, and n₃, independently of each other, denote an integer 1-22; m denotes an integer 0-10; p denotes an

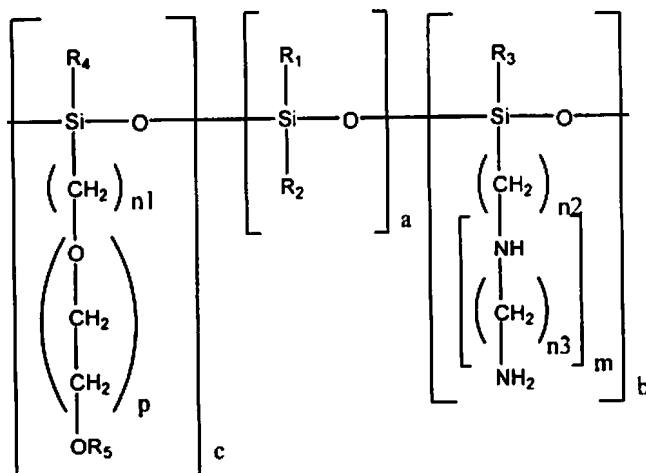
integer 1-30; and a, b and c denote constituent units of the polysiloxane, and

wherein said polysiloxane is obtained by introducing the phosphorylcholine group represented by the following formula (1):



(1)

to some or all of the amino groups of the amino-modified polysiloxane having repeating units a and b represented by the following formula 4:



(4)

wherein R_1 , R_2 , R_3 and R_4 , independently of each other, denote an alkyl group or perfluoroalkyl group having 1-22 carbon atoms, an alkoxysilyl group having 1-6 carbon atoms via an alkylene group having 1-6 carbon atoms, a phenyl group, or hydroxyl group; n_1 , n_2 , and n_3 , independently to each other, denote an integer 1-22; m denotes an integer 0-10, p denotes an integer 1-30, and a , b , and c denote constituent units of the polysiloxane. Support for the subject matter of appealed independent claim 5 can be found in the Specification on page 4, lines 11-24; page 5, formula (4) at bottom of page; page 7, formula (7) at top of page, and lines 3-12; and page 13, lines 8-15.

The Brief on Appeal is believed to now be in full compliance with 37 C.F.R. 41.37.

Withdrawal of the objections are now accordingly respectfully requested.

Respectfully submitted,

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